

## SENATE BILL NO. 318

INTRODUCED BY LAIBLE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING REGISTRATION AND LICENSING LAWS GOVERNING QUADRICYCLES; ALLOWING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS' PARK RANGERS AND GAME WARDENS TO ENFORCE NOISE EMISSION AND SPARK ARRESTOR LIMITATIONS ON QUADRICYCLES; EXEMPTING QUADRICYCLES FROM THE OFF-HIGHWAY VEHICLE FEE IN LIEU OF TAX; REQUIRING THAT QUADRICYCLES DISPLAY LICENSE PLATES; ALLOWING A PERSON WHO HAS PERMANENTLY REGISTERED A QUADRICYCLE 3 YEARS TO OBTAIN LICENSE PLATES; REQUIRING THE DEPARTMENT OF JUSTICE TO PROVIDE FOR REGISTRATION OF QUADRICYCLES BY MAIL; EXEMPTING QUADRICYCLES FROM THE OFF-HIGHWAY VEHICLE REGISTRATION FEE; REVISING THE DEFINITION OF "QUADRICYCLE"; PROVIDING FOR NONRESIDENT TEMPORARY REGISTRATION OF QUADRICYCLES; REQUIRING A FEE FOR TEMPORARY REGISTRATION; PROVIDING FOR THE DEPOSIT OF FEE REVENUE TO THE STATE GENERAL FUND; REMOVING THE REQUIREMENT FOR A MOTORCYCLE ENDORSEMENT FOR OPERATION OF A QUADRICYCLE; PROVIDING FOR A QUADRICYCLE ENDORSEMENT OR CERTIFICATION OF COMPLETION OF A SAFETY EDUCATION COURSE; PROVIDING FOR A NONRESIDENT TEMPORARY DRIVING PERMIT FOR OPERATION OF QUADRICYCLES; IMPOSING NOISE LIMITATIONS ON QUADRICYCLES AND REQUIRING CERTAIN EQUIPMENT; AMENDING SECTIONS 23-1-122, 23-2-803, 23-2-804, 23-2-807, 23-2-817, 61-1-133, 61-3-301, 61-3-321, 61-5-102, AND 61-9-418, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**SECTION 1. SECTION 23-1-122, MCA, IS AMENDED TO READ:**

**"23-1-122. Enforcement powers of park rangers and game wardens.** (1) Park rangers appointed pursuant to 23-1-121 and fish and game wardens appointed pursuant to 87-1-501 are authorized officers with the authority to enforce the laws and adopted rules relating to parks and outdoor recreation contained in chapters 1 and 2 of this title, except chapter 2, part 7.

(2) An authorized officer may:

(a) arrest, in accordance with Title 46, chapter 6, any person within an area managed by the department

1 upon probable cause to believe that the person has committed an offense against chapters 1 and 2 of this title,  
2 except chapter 2, part 7, or rules of the department or the fish, wildlife, and parks commission;

3 (b) enforce the disorderly conduct and public nuisance laws under 45-8-101 and 45-8-111 as they apply  
4 to the operation of motorboats on waters within areas managed by the department under this part; and

5 (c) exercise other powers of peace officers in the enforcement of:

6 (i) laws relating to parks and outdoor recreation contained in chapters 1 and 2 of this title, except  
7 chapter 2, part 7;

8 (ii) rules of the department and the fish, wildlife, and parks commission; ~~and~~

9 (iii) judgments obtained for violations of the laws and rules specified in this subsection (2)(c); and

10 (iv) laws related to noise emissions and spark arrestors on quadricycles under 61-9-418."

11  
12 **Section 2.** Section 23-2-803, MCA, is amended to read:

13 **"23-2-803. One-time fee in lieu of tax on off-highway vehicles -- exception -- disposition of fees.**

14 (1) Except as provided in ~~subsection~~ subsections (2) and (4), there is a one-time fee in lieu of tax on off-highway  
15 vehicles, other than off-highway vehicles constituting the inventory of a dealership licensed under 23-2-818, to  
16 be paid to the county treasurer of the county in which the owner of the off-highway vehicle resides. The one-time  
17 fee for an off-highway vehicle is ~~\$20 in calendar year 2004 and, in each subsequent year, \$40.~~

18 (2) Whenever a transfer of ownership of an off-highway vehicle occurs, the one-time fee required under  
19 subsection (1) must be paid by the new owner.

20 (3) The county treasurer shall transfer all fees in lieu of tax collected on off-highway vehicles pursuant  
21 to this section to the state general fund.

22 (4) A quadricycle, as defined in 61-1-133, is not subject to the fees required under this section."

23  
24 **Section 3.** Section 23-2-804, MCA, is amended to read:

25 **"23-2-804. Decal required -- license plate for quadricycles.** (1) Except as provided in 23-2-802 and  
26 subsection (3) of this section, an off-highway vehicle may not be operated by a person for off-road recreation  
27 on public lands in Montana unless there is displayed in a conspicuous place a decal, in a form prescribed by the  
28 department of justice and issued by the county treasurer, as visual proof that the following fees have been paid:

29 (a) (i) the fee in lieu of tax provided for in 23-2-803; and

30 (ii) the registration fee provided for in 61-3-321; or

(b) when the vehicle will be used as provided in this section, the registration and taxation fees for motorcycles and quadricycles subject to licensure under 61-3-321, as evidenced by presentation of an owner's certificate of registration and payment receipt. The county treasurer may confirm the registration status of a motorcycle or quadricycle by examining the current registration receipt for the vehicle or checking the electronic record of title for the vehicle.

(2) The decal must be serially numbered.

(3) (a) A quadricycle may not be operated by a resident of Montana for off-road recreation on public lands in Montana unless a license plate with a distinctive number assigned by the department of justice and issued by the county treasurer is displayed on the rear of the quadricycle. The registration receipt received upon registration of the quadricycle must at all times be carried on the quadricycle or must be carried by the person driving or in control of the quadricycle.

(b) A person who has permanently registered a quadricycle and who displays ONLY the decal indicating permanent registration may continue to display the decal as visual proof of registration until January 1, 2008. On or before January 1, 2008, the person shall purchase a license plate for \$5 that must be displayed on the rear of the quadricycle.

(c) The department of justice shall provide for registration and purchase of plates under this subsection (3) by mail.

(d) A person who is not a resident of Montana is required to comply with the provisions of 23-2-814 or AND with [section 40 11] to operate a quadricycle for off-road recreation on public lands in Montana."

**Section 4.** Section 23-2-807, MCA, is amended to read:

**"23-2-807. Penalty -- disposition.** (1) The failure to display a valid decal or a license plate indicating that the fee in lieu of tax, registration fees, decal fees, and, when applicable, taxes on licensed vehicles have been paid on the off-highway vehicle, as provided in 23-2-804, is a misdemeanor punishable by a fine of \$50.

(2) All fines collected under this section must be transmitted to the department of revenue for deposit in the state general fund."

**Section 5.** Section 23-2-817, MCA, is amended to read:

**"23-2-817. Registration fee -- application and issuance -- disposition.** (1) ~~Each~~ Except as provided in subsection (6), each off-highway vehicle is subject to a registration fee of \$2.

(2) The county treasurer shall collect the fee when the fee in lieu of tax is collected.

(3) Application for registration must be made to the county treasurer of the county in which the owner resides, on a form furnished by the department of justice for that purpose. The application must contain:

(a) the name and home mailing address of the owner;

(b) the certificate of title number;

(c) the name of the manufacturer of the off-highway vehicle;

(d) the model number or name;

(e) the year of manufacture;

(f) a statement evidencing payment of the fee in lieu of property tax; and

(g) other information that the department of justice may require.

(4) If the off-highway vehicle was previously registered, the application must be accompanied by the registration certificate for the most recent year in which it was registered. Upon payment of the registration fee, the county treasurer shall sign the application and issue a registration receipt containing the information considered necessary by the department of justice and a listing of the fees paid. The owner shall retain possession of the registration receipt until it is surrendered to the county treasurer or to a purchaser or subsequent owner pursuant to a transfer of ownership.

(5) All registration fees collected must be forwarded to the department of justice and deposited in the state general fund.

(6) The provisions of this section do not apply to quadricycles, as defined in ~~61-3-133~~ 61-1-133."

**Section 6.** Section 61-1-133, MCA, is amended to read:

**"61-1-133. Quadricycle.** (1) "Quadricycle" means a ~~four-wheeled~~ motor vehicle; that:

(a) is designed primarily for on-road or off-road use;

(b) having has a seat or saddle upon which the operator sits and a motor capable of producing not more than 50 horsepower handlebars for steering control;

(c) does not exceed 50 inches in width;

(d) has an unladen weight of 800 pounds or less; and

(e) travels on four or more soft, low-pressure tires.

(2) The term does not include golf carts."

1        **NEW SECTION. Section 7. Quadricycle registration -- nonresident temporary registration.** (1) (a)

2        A person who is a resident of Montana may not operate a quadricycle upon the highway unless it has been  
3        registered in accordance with 61-3-303 and a license plate with a distinctive number assigned by the department  
4        and issued by the county treasurer is displayed on the rear of the quadricycle. The registration receipt received  
5        upon registration of the quadricycle must at all times be carried on the quadricycle or must be carried by the  
6        person driving or in control of the quadricycle.

7        (b) A person who has permanently registered a quadricycle and who displays the decal indicating  
8        permanent registration may continue to operate the quadricycle displaying the decal as visual proof of  
9        registration until January 1, 2008. On or before January 1, 2008, the person shall purchase a license plate for  
10       a fee of \$5 that must be displayed on the rear of the quadricycle.

11       (c) The department shall provide for registration and purchase of plates under this subsection (1) by  
12       mail.

13       (2) (a) A person who is not a resident of Montana may apply to the department, to the department of  
14       fish, wildlife, and parks, or to a license agent appointed by the director of the department of fish, wildlife, and  
15       parks under 87-2-901 for temporary registration of a quadricycle.

16       (b) Nonresident registration under this subsection (2) is valid for 40 days upon the payment of a fee of  
17       \$10 to the department, the department of fish, wildlife, and parks, or a license agent appointed by the director  
18       of the department of fish, wildlife, and parks under 87-2-901.

19       (c) An applicant who registers a quadricycle under this subsection (2) and who complies with the  
20       provisions of [section 40 ~~11~~]:

21       (i) must be issued a temporary registration permit that must be displayed as required by the department;

22       (ii) may operate the quadricycle either on or off of a highway; and

23       (iii) is not required to obtain a nonresident temporary use permit as provided in 23-2-814.

24       (3) Revenue from the fees required under this section must be transferred to the department of revenue  
25       for deposit in the state general fund.

26       (4) REVENUE FROM THE FEES REQUIRED UNDER SUBSECTION (2) MUST BE DEPOSITED IN THE STATE SPECIAL  
27       REVENUE FUND TO THE CREDIT OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO BE USED TO ADMINISTER ISSUANCE  
28       OF NONRESIDENT TEMPORARY REGISTRATIONS PURSUANT TO SUBSECTION (2) AND TO DEVELOP AND ADMINISTER A  
29       COMPREHENSIVE OFF-HIGHWAY VEHICLE PROGRAM.

1           **Section 8.** Section 61-3-301, MCA, is amended to read:

2           **"61-3-301. Registration -- license plate required -- display.** (1) Except as otherwise provided in this  
3 chapter, a person may not operate a motor vehicle upon the public highways of Montana unless the vehicle is  
4 properly registered and has the proper number plates conspicuously displayed, one on the front and one on the  
5 rear of the vehicle, each securely fastened to prevent it from swinging and unobstructed from plain view, except  
6 that vehicles authorized to display demonstrator plates under 61-4-125 or 61-4-129 and quadricycles registered  
7 as provided in [section 6 7] may have only one number plate conspicuously displayed on the rear. A person may  
8 not display on a vehicle at the same time a number assigned to it under any motor vehicle law except as  
9 provided in this chapter. A junk vehicle, as defined in Title 75, chapter 10, part 5, being driven or towed to an  
10 auto wrecking graveyard for disposal is exempt from the provisions of this section.

11           (2) A person may not purchase or display on a vehicle a license plate bearing the number assigned to  
12 any county, as provided in 61-3-332, other than the county of the person's permanent residence at the time of  
13 application for registration. However, the owner of a motor vehicle requiring a license plate on a motor vehicle  
14 used in the public transportation of persons or property may make application for the license in any county  
15 through which the motor vehicle passes in its regularly scheduled route, and the license plate issued bearing  
16 the number assigned to that county may be displayed on the motor vehicle in any other county of the state.

17           (3) It is unlawful to:

18           (a) display license plates issued to one vehicle on any other vehicle, trailer, or semitrailer unless legally  
19 transferred as provided by statute;

20           (b) repaint old license plates to resemble current license plates; or

21           (c) display a prior design of number plates issued under 61-3-332(4)(a) or special license plates issued  
22 under 61-3-332(10) or 61-3-421 more than 18 months after a new design of number plates or special license  
23 plates has been issued, except as provided in 61-3-332(4)(c) and (4)(d), 61-3-448, or 61-3-468.

24           (4) This section does not apply to a vehicle exempt from taxation under 15-6-215 or subject to the  
25 registration fee or fee in lieu of tax under 61-3-520.

26           (5) A person violating these provisions is guilty of a misdemeanor and is subject to the penalty  
27 prescribed in 61-3-601.

28           (6) For the purposes of this section, "conspicuously displayed" means that the required license plates  
29 are obviously visible and firmly attached to:

30           (a) the front and the rear bumper of a motor vehicle equipped with front and rear bumpers; or

(b) other clearly visible locations on the front and the rear exteriors of a motor vehicle."

**Section 9.** Section 61-3-321, MCA, is amended to read:

**"61-3-321. Registration fees of vehicles -- certain vehicles exempt from registration fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon registration or, if applicable, reregistration of motor vehicles, trailers, and semitrailers, in accordance with this chapter, as follows:

(a) light vehicles under 2,850 pounds, ~~\$13.75 in calendar year 2004 and, in each subsequent year,~~ \$17;

(b) trailers with a declared weight of less than 2,500 pounds and semitrailers, \$8.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

(c) motor vehicles registered pursuant to 61-3-411 that are:

(i) 2,850 pounds and over, \$10; and

(ii) under 2,850 pounds, \$5;

(d) off-highway vehicles registered pursuant to 23-2-817, ~~\$9 in calendar year 2004 and, in each subsequent year,~~ \$19.25. This fee is a one-time fee, except upon transfer of ownership of an off-highway vehicle.

(e) light vehicles over 2,850 pounds, trucks and buses less than 1 ton, and heavy trucks in excess of 1 ton, ~~\$18.75 in calendar year 2004 and, in each subsequent year,~~ \$22;

(f) logging trucks less than 1 ton, \$23.75;

(g) motor homes, \$22.25;

(h) motorcycles and quadricycles, \$9.75 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, ~~\$9.75 in calendar year 2004 and, in each subsequent year,~~ \$11.25. This fee is a one-time fee, except upon transfer of ownership of a motorcycle or quadricycle.

(i) trailers and semitrailers between 2,500 and 6,000 pounds, \$11.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

(j) trailers and semitrailers in excess of 6,000 pounds, other than trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement, \$16.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer

1 or semitrailer.

2 (k) travel trailers, \$11.75. This fee is a one-time fee, except upon transfer of ownership of a travel trailer.

3 (l) recreational vehicles, ~~\$3.50 in calendar year 2004 and, in each subsequent year, \$9.75.~~ If the  
4 recreational vehicle is a travel trailer, this fee is a one-time fee, except upon transfer of ownership of a travel  
5 trailer.

6 (m) quadricycles, \$59.25. THIS FEE IS A ONE-TIME FEE, EXCEPT UPON TRANSFER OF OWNERSHIP OF A  
7 QUADRICYCLE.

8 (2) (a) Except as provided in subsection (2)(b), if a motor vehicle, trailer, or semitrailer is originally  
9 registered 6 months after the time of registration as set by law, the registration fee for the remainder of the year  
10 is one-half of the regular fee.

11 (b) For a trailer or semitrailer described in 61-3-530(1), the applicable fees must be paid regardless of  
12 when the fees were last paid or if the fees were paid at all.

13 (3) An additional fee of \$5 for a motorcycle or quadricycle with special license plates issued under  
14 61-3-415 and, for a motorcycle ~~or quadricycle~~ under one-time registration, ~~\$5 in calendar year 2004 and, in each~~  
15 ~~subsequent year, \$16~~ must be collected for the registration of each motorcycle ~~or quadricycle~~ as a safety fee  
16 and must be deposited in the state motorcycle safety account provided for in 20-25-1002.

17 (4) A fee of \$5 for each set of new number plates must be collected when number plates provided for  
18 under 61-3-332(2) are issued.

19 (5) The provisions of this part with respect to the payment of registration fees do not apply to and are  
20 not binding upon motor vehicles, trailers, semitrailers, or tractors owned or controlled by the United States of  
21 America or any state, county, city, or special district, as defined in 18-8-202.

22 (6) (a) Except as provided in 61-3-562 and subsection (6)(b) of this section, a fee of 25 cents a year for  
23 each registration of a vehicle must be collected when a vehicle is registered or reregistered. The revenue  
24 derived from this fee must be forwarded by the county treasurer for deposit in the state general fund for transfer  
25 to the credit of the senior citizens and persons with disabilities transportation services account provided for in  
26 7-14-112.

27 (b) The following vehicles are not subject to the fee imposed in subsection (6)(a):

28 (i) trailers and semitrailers registered in other jurisdictions and registered through a proportional  
29 registration agreement; and

30 (ii) travel trailers, recreational vehicles, and off-highway vehicles registered pursuant to 23-2-817.



(7) (a) Except as provided in 61-3-562 and subsection (7)(b) of this section, a fee of 50 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The county treasurer shall forward revenue derived from this fee to the state for deposit in the general fund.

(b) The following vehicles are not subject to the fee:

(i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement;

(ii) off-highway vehicles registered pursuant to 23-2-817; and

(iii) vehicles bearing license plates described in 61-3-458(3)(d).

(8) The provisions of this section relating to the payment of registration fees or new number plate fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317, 61-3-332, or 61-3-335.

(9) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

(10) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund.

(11) (a) Unless a person exercises the option in subsection (11)(b), an additional fee of \$4 must be collected for each light vehicle or truck under 8,001 pounds GVW registered for licensing pursuant to this part. The fee must be deposited in the state general fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities as provided in 15-1-122(3)(c)(vii).

(b) A person who registers a light vehicle or truck under 8,001 pounds GVW may, at the time of annual registration, certify that the person does not intend to use state parks and fishing access sites and may make a written election not to pay the additional \$4 fee provided for in subsection (11)(a). If a written election is made, the fee may not be collected."

**Section 10.** Section 61-5-102, MCA, is amended to read:

**"61-5-102. Drivers to be licensed.** (1) Except as provided in 61-5-104, a person may not drive a motor vehicle upon a highway in this state unless the person has a valid Montana driver's license. A person may not receive a Montana driver's license until the person surrenders to the department all valid driver's licenses issued by any other jurisdiction. A person may not have in the person's possession or under the person's control more than one valid Montana driver's license at any time.

(2) (a) A license is not valid for the operation of a motorcycle or quadricycle unless the holder of the

license has completed the requirements of 61-5-110 and the license has been clearly marked with the words "motorcycle endorsement". ~~A motorcycle endorsement~~

(b) (i) Except as provided in 61-5-104(1)(f) AND SUBSECTION (2)(B)(III) OF THIS SECTION, a valid Montana driver's license with a quadricycle endorsement issued by the department or a valid Montana driver's license and certification of successful completion of a safety education course approved by the department of fish, wildlife, and parks is required for the operation of a quadricycle by a resident of Montana.

(ii) A person who is under 16 years of age but at least 12 years of age who successfully completes a safety education course approved by the department of fish, wildlife, and parks may obtain a quadricycle endorsement on the person's driver's license when a license is issued to the person as provided in this chapter.

(iii) A PERSON WHO HAS A MOTORCYCLE ENDORSEMENT ON THE PERSON'S DRIVER'S LICENSE ON OR BEFORE [THE EFFECTIVE DATE OF THIS ACT] IS NOT REQUIRED TO OBTAIN A QUADRICYCLE ENDORSEMENT OR THE CERTIFICATION REQUIRED IN SUBSECTION (2)(B)(I) TO OPERATE A QUADRICYCLE.

~~(b)(3)~~ A license is not valid for the operation of a commercial motor vehicle unless the holder of the license has completed the requirements of 61-5-110, the license has been clearly marked with the words "commercial driver's license", and the license bears the proper endorsement for:

~~(i)(a)~~ the specific vehicle type or types being operated; or

~~(i)(b)~~ the passengers or type or types of cargo being transported.

~~(3)(4)~~ When a city or town requires a licensed driver to obtain a local driving license or permit, a license or permit may not be issued unless the applicant presents a state driver's license valid under the provisions of this chapter."

**NEW SECTION. Section 11. Nonresident temporary driving permit for operation of quadricycle.**

(1) A person who is not a resident of Montana may apply to the department, the department of fish, wildlife, and parks, or a license agent appointed by the director of the department of fish, wildlife, and parks under 87-2-901 for a temporary driving permit for the operation of a quadricycle both off of the highway and on the highway.

(2) A temporary driving permit is valid for 40 days and may be obtained upon:

(a) the payment of a permit fee of \$15 to the department, the department of fish, wildlife, and parks, or a license agent appointed by the director of the department of fish, wildlife, and parks under 87-2-901;

(b) completion of an application in a form determined by the department;

(c) demonstration that the applicant has a valid driver's license issued by the licensing authority in the

person's home state; and

(d) certification that the applicant has successfully completed an appropriate safety education course in the person's home state or successful completion of a safety education course approved by the department of fish, wildlife, and parks.

(3) Revenue from the fees required under this section must be ~~transferred to the department of revenue for deposit in the state general fund~~ DEPOSITED IN THE STATE SPECIAL REVENUE FUND TO THE CREDIT OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO BE USED TO ADMINISTER THE ISSUANCE OF TEMPORARY NONRESIDENT DRIVING PERMITS AND TO DEVELOP AND ADMINISTER A COMPREHENSIVE OFF-HIGHWAY VEHICLE PROGRAM.

(4) This section does not apply to a person who is exempt from licensure under 61-5-104(1)(f).

**Section 12.** Section 61-9-418, MCA, is amended to read:

**"61-9-418. Motorcycle and quadricycle noise suppression devices -- quadricycle spark arrester.**

(1) All motorcycles ~~or quadricycles~~ operated on the streets and highways of this state ~~shall~~ must be equipped at all times with noise suppression devices, including an exhaust muffler, in good working order and in constant operation. In addition, all motorcycles ~~and quadricycles~~ operating on streets and highways shall meet the following noise decibel limitations, on the standard A scale, ~~such decibel limitations~~ to be measured at 50 feet ~~distance~~ from the closest point to the motorcycle ~~or quadricycle~~:

<del>(1)</del> (a)	any cycle manufactured prior to 1970	92 db(A)
<del>(2)</del> (b)	any cycle manufactured after 1969 but prior to 1973	88 db(A)
<del>(3)</del> (c)	any cycle manufactured after 1972 but prior to 1975	86 db(A)
<del>(4)</del> (d)	any cycle manufactured after 1974 but prior to 1978	80 db(A)
<del>(5)</del> (e)	any cycle manufactured after 1977 but prior to 1988	75 db(A)
<del>(6)</del> (f)	any cycle manufactured after 1987	70 db(A)

(2) (a) Except as provided in subsection (2)(b), a quadricycle may be operated on a highway or off of a highway on the public lands of this state only if the quadricycle's noise emissions do not exceed 96 db(a), using test procedures established by the society of automotive engineers under standard J-1287.

(b) The noise limitations do not apply to quadricycles that are operated for special events permitted on closed courses by a state entity or city or county government.

(3) A quadricycle may not be operated on a highway or off of a highway unless it is equipped with an adequate spark arrester to prevent the escape of sparks or other burning material from the exhaust of the

1 quadricycle's engine."

2  
3 **NEW SECTION. Section 13. Requirements for quadricycles.** A quadricycle may not be operated  
4 on a highway or off of a highway on public lands of this state unless:

- 5 (1) it is equipped as provided in 61-1-133;  
6 (2) it is registered as provided in 23-2-804 or [section 6 7];  
7 (3) meets the noise limitations and equipment requirements provided in 61-9-418; and  
8 (4) the operator has the appropriate license and endorsement as provided in 61-5-102 or a nonresident  
9 temporary driving permit as provided in [section 40 11].

10  
11 **NEW SECTION. Section 14. Codification instruction.** (1) [Section 6 7] is intended to be codified as  
12 an integral part of Title 61, chapter 3, part 3, and the provisions of Title 61, chapter 3, part 3, apply to [section  
13 6 7].

14 (2) [Section 40 11] is intended to be codified as an integral part of Title 61, chapter 5, part 1, and the  
15 provisions of Title 61, chapter 5, part 1, apply to [section 40 11].

16 (3) [Section 42 13] is intended to be codified as an integral part of Title 61, chapter 8, part 3, and the  
17 provisions of Title 61, chapter 8, part 3, apply to [section 42 13].

18  
19 **COORDINATION SECTION. SECTION 15. COORDINATION INSTRUCTION.** IF SENATE BILL NO. 285 AND [THIS  
20 ACT] ARE BOTH PASSED AND APPROVED, THEN THE CODE COMMISSIONER SHALL INCLUDE THE REVISIONS TO THE  
21 DEFINITION OF "QUADRICYCLE" IN [THIS ACT] IN THE DEFINITION OF THAT TERM IN SENATE BILL NO. 285.

22  
23 **COORDINATION SECTION. SECTION 16. COORDINATION INSTRUCTION.** IF SENATE BILL NO. 285 AND [THIS  
24 ACT] ARE BOTH PASSED AND APPROVED, THEN 61-3-321 MUST BE AMENDED AS FOLLOWS:

25 **"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration**  
26 **fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon  
27 registration or, if applicable, reregistration of motor vehicles, snowmobiles, watercraft, trailers, and semitrailers,  
28 and pole trailers in accordance with this chapter, as follows provided in subsections (2) through (19):

29 (2) (a) Except as provided in subsection (2)(b), there is a registration fee imposed on light vehicles. The  
30 registration fee is in addition to other annual registration fees.

1 (b) The following vehicles are exempt from the registration fee imposed in this subsection (2):

2 (i) light vehicles that meet the description of property exempt from taxation under 15-6-201(1)(a), (1)(c)  
3 through (1)(e), (1)(g), (1)(m), (1)(o), (1)(q), or (1)(w), 15-6-203, or 15-6-215, except as provided in 61-3-520;

4 (ii) a light vehicle owned by a person eligible for a waiver of registration fees under 61-3-460;

5 (iii) a light vehicle registered under 61-3-456.

6 (c) The owner of a light vehicle subject to the provisions of 61-3-313 through 61-3-316 may register the  
7 light vehicle for a period not to exceed 24 months. The application for registration or reregistration must be  
8 accompanied by the registration fee and all other fees required in this chapter for each 12-month period of the  
9 24-month period.

10 ~~(a)(d)~~ The annual registration fee for light vehicles under 2,850 pounds, \$13.75 in calendar year 2004  
11 and, in each subsequent year, \$17; trucks and buses under 1 ton, and logging trucks less than 1 ton is as  
12 follows:

13 (i) if the vehicle is 4 or less years old, \$217;

14 (ii) if the vehicle is 5 through 10 years old, \$87; and

15 (iii) if the vehicle is 11 or more years old, \$28;

16 (e) The owner of a light vehicle 11 years old or older may permanently register the light vehicle as  
17 provided in 61-3-562.

18 ~~(b)(3)~~ (a) Except as provided in subsection (3)(c), the owner of a trailer, semitrailer, or pole trailer that  
19 has a declared weight of less than 6,000 pounds shall pay a one-time fee of \$61.25.

20 (b) The owner of a trailer, semitrailer, or pole trailer with a declared weight of 6,000 pounds or more  
21 shall pay a one-time fee of \$148.25.

22 (c) Except as provided in subsection (18), whenever a transfer of ownership of a trailer, semitrailer, or  
23 pole trailer described in subsection (3)(a) or (3)(b) occurs, the one-time fee required under subsection (3)(a) or  
24 (3)(b) must be paid by the new owner. trailers with a declared weight of less than 2,500 pounds and semitrailers,  
25 \$8.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of  
26 ownership of the trailer or semitrailer.

27 ~~(c)(4)~~ The annual registration fee for motor vehicles registered owned and operated solely as collector's  
28 items pursuant to 61-3-411 that are for motor vehicles:

29 ~~(i)(a)~~ 2,850 pounds and over, \$10; and

30 ~~(ii)(b)~~ under 2,850 pounds, \$5;.

~~(d)(5)~~ (a) The registration fee for off-highway vehicles registered pursuant to 23-2-817, \$9 in calendar year 2004 and, in each subsequent year, \$19.25 other than quadricycles is \$61.25. This fee is a one-time fee, except upon transfer of ownership of an off-highway vehicle. Except as provided in subsection (18), whenever a transfer of ownership of an off-highway vehicle, other than a quadricycle, occurs, the one-time fee required under this subsection must be paid by the new owner.

(b) The application for registration for an off-highway vehicle, other than a quadricycle, must be made to the county treasurer of the county in which the owner resides, on a form furnished by the department for that purpose. The application must contain:

(i) the name and home mailing address of the owner;

(ii) the certificate of title number;

(iii) the name of the manufacturer of the off-highway vehicle;

(iv) the model number or name;

(v) the year of manufacture;

(vi) a statement evidencing payment of the fee in lieu of property tax; and

(vii) other information that the department may require.

(c) If the off-highway vehicle was previously registered, the application must be accompanied by the registration certificate for the most recent year in which it was registered. Upon payment of the registration fee, the county treasurer shall sign the application and issue a registration receipt containing the information considered necessary by the department. The owner shall retain possession of the registration receipt until it is surrendered to the county treasurer or to a purchaser or subsequent owner pursuant to a transfer of ownership.

~~(e)(6)~~ The annual registration fee for light vehicles over 2,850 pounds, trucks and buses less than 1 ton, and heavy trucks, buses, and logging trucks in excess of 1 ton, ~~\$18.75 in calendar year 2004 and, in each subsequent year, \$22~~ is \$22.75;.

~~(f) logging trucks less than 1 ton, \$23.75;~~

~~(g)(7)~~ (a) ~~motor homes, \$22.25;~~ The owner of a motor home shall pay an annual fee based on the age of the motor home according to the following schedule:

(i) less than 2 years old, \$282.50;

(ii) 2 years old and less than 5 years old, \$224.25;

(iii) 5 years old and less than 8 years old, \$132.50; and

1 (iv) 8 years old and older, \$97.50.

2 (b) (i) Except as provided in subsection (7)(b)(ii), the age of a motor home is determined by subtracting  
3 the manufacturer's designated model year from the current calendar year.

4 (ii) If the purchase year of a motor home precedes the designated model year of the motor home and  
5 the motor home is originally titled in Montana, then the purchase year is considered the model year for the  
6 purposes of calculating the fee in lieu of tax.

7 ~~(h)(8) (a) The registration fee for motorcycles and quadricycles, \$9.75 for a motorcycle or quadricycle~~  
8 ~~with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time~~  
9 ~~registration, \$9.75 in calendar year 2004 and, in each subsequent year, \$11.25 registered for use on public~~  
10 ~~highways is \$53.25, and the registration fee for motorcycles registered for both off-road use and for use on the~~  
11 ~~public highways is \$114.50. This fee is~~

12 (b) An additional fee of \$5 for a motorcycle or a quadricycle with special license plates issued under  
13 61-3-415 and, for a motorcycle under one-time registration, an additional fee of \$16 must be collected for the  
14 registration of each motorcycle as a safety fee, which must be deposited in the state motorcycle safety account  
15 provided for in 20-25-1002.

16 (c) The registration fees in this subsection (8) are a one-time fee, except upon transfer of ownership  
17 of a motorcycle or quadricycle.

18 ~~(i) trailers and semitrailers between 2,500 and 6,000 pounds, \$11.25. For a trailer or semitrailer~~  
19 ~~described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.~~

20 ~~——— (j) trailers and semitrailers in excess of 6,000 pounds, other than trailers and semitrailers registered in~~  
21 ~~other jurisdictions and registered through a proportional registration agreement, \$16.25. For a trailer or~~  
22 ~~semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer~~  
23 ~~or semitrailer.~~

24 ~~(k)(9) (a) The registration fee for travel trailers under 16 feet in length, \$11.75 is \$72 and the registration~~  
25 ~~fee for travel trailers 16 feet in length or longer is \$152. This fee is a one-time fee, except upon transfer of~~  
26 ~~ownership of a travel trailer.~~

27 (b) Except as provided in subsection (18), whenever a transfer of ownership of a travel trailer occurs,  
28 the one-time fee required under subsection (9)(a) must be paid by the new owner.

29 ~~——— (l) recreational vehicles, \$3.50 in calendar year 2004 and, in each subsequent year, \$9.75. If the~~  
30 ~~recreational vehicle is a travel trailer, this fee is a one-time fee, except upon transfer of ownership of a travel~~

1 ~~trailer.~~

2 (10) (a) The owner of each motorboat, sailboat, personal watercraft, or motorized pontoon requiring  
3 numbering by this state shall file an application for number in the office of the county treasurer in the county  
4 where the motorboat, sailboat, personal watercraft, or motorized pontoon is owned, on forms prepared and  
5 furnished by the department. The application must be signed by the owner of the motorboat, sailboat, personal  
6 watercraft, or motorized pontoon and be accompanied by the appropriate registration fee. The owner of a  
7 motorboat, a sailboat, personal watercraft, or a motorized pontoon shall pay a one-time fee as follows:

8 (i) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length,  
9 \$65.50;

10 (ii) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in  
11 length, \$125.50; and

12 (iii) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, \$295.50.

13 (b) This fee is a one-time fee, except upon transfer of ownership of the motorboat, sailboat, personal  
14 watercraft, or motorized pontoon.

15 (11) (a) Except as provided in subsection (11)(b), the one-time registration fee for a snowmobile is  
16 \$60.50.

17 (b) A snowmobile that is licensed by a Montana business and that is owned exclusively for the purpose  
18 of daily rental to customers is assessed:

19 (i) a fee of \$40.50 in the first year of registration; and

20 (ii) if the business reregisters the snowmobile for a second year, the fee in lieu of tax imposed in  
21 subsection (11)(a).

22 (c) Except as provided in subsection (18), whenever a transfer of ownership of a snowmobile occurs,  
23 the applicable fee required under this subsection (11) must be paid by the new owner.

24 ~~(2) (a) Except as provided in subsection (2)(b), if a motor vehicle, trailer, or semitrailer is originally~~  
25 ~~registered 6 months after the time of registration as set by law, the registration fee for the remainder of the year~~  
26 ~~is one-half of the regular fee.~~

27 ~~—— (b) For a trailer or semitrailer described in 61-3-530(1), the applicable fees must be paid regardless of~~  
28 ~~when the fees were last paid or if the fees were paid at all.~~

29 ~~(3) An additional fee of \$5 for a motorcycle or quadricycle with special license plates issued under~~  
30 ~~61-3-415 and, for a motorcycle or quadricycle under one-time registration, \$5 in calendar year 2004 and, in each~~



subsequent year, \$16 must be collected for the registration of each motorcycle as a safety fee and must be deposited in the state motorcycle safety account provided for in 20-25-1002.

(12) (a) The registration fee for a quadricycle is \$59.25. This fee is a one-time fee except upon transfer of ownership of a quadricycle.

(b) Except as provided in subsection (18), whenever a transfer of ownership of a quadricycle occurs, the applicable fee required under this subsection (12) must be paid by the new owner.

(4)(13) A fee of \$5 for each set of new number plates must be collected when number plates provided for under 61-3-332(2) are issued.

(5)(14) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202.

(6) (a) Except as provided in 61-3-562 and subsection (6)(b) of this section, a fee of 25 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The revenue derived from this fee must be forwarded by the county treasurer for deposit in the state general fund for transfer to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112.

———— (b) The following vehicles are not subject to the fee imposed in subsection (6)(a):

———— (i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and

———— (ii) travel trailers, recreational vehicles, and off-highway vehicles registered pursuant to 23-2-817.

———— (7) (a) Except as provided in 61-3-562 and subsection (7)(b) of this section, a fee of 50 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The county treasurer shall forward revenue derived from this fee to the state for deposit in the general fund.

———— (b) The following vehicles are not subject to the fee:

———— (i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement;

———— (ii) off-highway vehicles registered pursuant to 23-2-817; and

———— (iii) vehicles bearing license plates described in 61-3-458(3)(d).

(8)(15) The provisions of this section relating to the payment of registration fees or new number plate fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317, 61-3-332, or

~~61-3-335.~~ When the license plates for a registered motor vehicle are transferred to a replacement vehicle under 61-3-317, 61-3-332, or 61-3-335, the owner of the motor vehicle shall pay a registration fee as follows:

(a) heavy trucks, buses, and logging trucks in excess of 1 ton, 75 cents;

(b) light vehicles, trucks and buses under 1 ton, and logging trucks less than 1 ton:

(i) if the vehicle is 4 years old or less, \$195.75;

(ii) if the vehicle is 5 years old through 10 years old, \$65.75; and

(iii) if the vehicle is 11 years old or older, \$6.75;

(c) motor homes:

(i) less than 2 years old, \$250.50;

(ii) 2 years old and less than 5 years old, \$192.25;

(iii) 5 years old and less than 8 years old, \$100.50; and

(iv) 8 years old and older, \$65.50;

(d) motorcycles registered for use on the public highways, \$42, and motorcycles registered for both off-road use and for use on the public highways, \$103.25. This fee is a one-time fee, except upon transfer of ownership.

(e) travel trailers under 16 feet in length, \$50.50, and travel trailers 16 feet in length or longer, \$130.50.

This fee is a one-time fee, except upon transfer of ownership.

(f) trailers, semitrailers, or pole trailers with a declared weight of less than 6,000 pounds, \$52. This fee is a one-time fee, except upon transfer of ownership.

(g) trailers, semitrailers, or pole trailers with a declared weight of 6,000 pounds or more, \$139. This fee is a one-time fee, except upon transfer of ownership.

~~(9)(16)~~ A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

~~(10)(17)~~ Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund.

(18) The fees imposed by subsections (2) through (12) are not required to be paid by a dealer for the enumerated vehicles or vessels that constitute inventory of the dealership.

~~(11)(19)~~ (a) Unless a person exercises the option in subsection (11)(b) (19)(b), an additional fee of \$4 must be collected for each light vehicle or truck under 8,001 pounds GVW registered for licensing pursuant to this part. This fee must be accounted for and transmitted separately from the registration fee. The fee must be deposited in an account in the state general special revenue fund to be used for state parks, for fishing access

1 sites, and for the operation of state-owned facilities ~~as provided in 15-1-122(3)(c)(vii).~~ Of the \$4 fee, the  
2 department shall use \$3.50 for state parks, 25 cents for fishing access sites, and 25 cents for the operation of  
3 state-owned facilities at Virginia City and Nevada City.

4 (b) A person who registers a light vehicle or truck under 8,001 pounds GVW may, at the time of annual  
5 registration, certify that the person does not intend to use state parks and fishing access sites and may make  
6 a written election not to pay the additional \$4 fee provided for in subsection ~~(11)(a)~~ (19)(a). If a written election  
7 is made, the fee may not be collected.

8 (20) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed  
9 by 61-3-721."

10  
11 NEW SECTION. **Section 17. Effective date.** [This act] is effective January 1, 2006.

12 - END -